

Court File No: CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

-and-

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

-and-

THE CORPORATION OF THE CITY OF WINDSOR,
ATTORNEY GENERAL FOR ONTARIO

Intervening Parties

-and-

THE DEMOCRACY FUND

Intervenor/
Friend of the Court

**FACTUM OF THE INTERVENING PARTY,
THE CORPORATION OF THE CITY OF WINDSOR**

I. OVERVIEW

1. On February 11, 2022 this Court granted an injunction to end the blockade of the Ambassador Bridge in the City of Windsor, finding that “[t]he Protesters’ right to freedom of expression, assembly and association does not include violating the law or harming the people and businesses who reside and make a living in Windsor and everyone else who relies on the Bridge for those purposes.”

2. The events in the days since the February 11, 2022 Order (“February 11 Order”) was made have reinforced the ongoing need for the injunction. Since the February 11 Order came into effect at 7:00 PM on February 11, 2022:
 - a. Protesters defied the February 11 Order, with numbers increasing and peaking at between 600 and 800 individuals during the evening of Saturday, February 12, 2022;
 - b. Police arrested 43 individuals in one day – Sunday, February 13, 2022 – on charges of mischief exceeding \$5,000 and/or disobeying the February 11 Order contrary to sections 430(1) and 127 of the *Criminal Code*;
 - c. Protesters continued to violate City by-laws – on Saturday, February 12, 2022, Provincial Offence Officers issued 28 tickets for by-law infractions and at least 7 vehicles were towed from the protest area;
 - d. There is evidence that protestors plan to continue to protest on roadways approaching the Ambassador Bridge;
 - e. On Tuesday, February 15, 2022, Police successfully intercepted a convey of several transport trucks from Ottawa with the suspected intention of heading to Windsor; and
 - f. As a result of the continued threat of a new blockade, Police continue to control traffic flow onto Huron Church Rd. to protect access to the Bridge.
3. The Corporation of the City of Windsor (the “City”) therefore seeks to continue the injunction on varied terms, until such time as it is varied or discharged, pursuant to section 440 of the *Municipal Act, 2001*.
4. The City has filed a Notice of Application and seeks to continue the injunction, on varied terms, as the applicant with the Automotive Parts Manufacturers’ Association (“APMA”) and Attorney General of Ontario (“AG”) as party intervenors and the Democracy Fund as friend of the court. A copy of the Notice of Application is attached as Schedule “A”.

5. Continuing the February 11 Order with the City's application would streamline and simplify these proceedings, reduce the burden on this Court and the parties, and reflect the Court's findings that "it will be virtually impossible to recover damages from the Protesters."¹
6. The City requests that this Court exercise its discretion to accept the Notice of Application as the underlying proceeding in this matter or, in the alternative, consolidate the City's application with the present proceeding.

II. FACTS

7. After this Court issued the February 11 Order, protests and obstruction of City of Windsor ("City") roadways continued. While Police operations have lead to the removal of vehicles and individuals obstructing Bridge traffic, traffic in the area is not flowing normally due to the threat of further blockades.

Notice of the February 11 Order

8. The APMA, the City and the AG gave notice of the February 11 Order as required by paragraph 10 the February 11 Order. The City issued a press release on February 12, 2022 containing a URL link to the Order, as well as the date, time and location of this motion to continue the February 11 Order.²
9. In addition, the City gave notice of the February 11 Order pursuant to paragraph 11 of the Order by:
 - a. Issuing a press release at 8:18 PM on February 11, 2022, stating that the injunction had been granted effective 7:00 PM for ten days;³

¹ *Automotive Parts Manufacturers' Association v. Boak et al*, 2022 ONSC 1001 at para 45 [the "February 14, 2022 Reasons"].

² Second Supplemental Affidavit of Jason Ward Reynar, affirmed February 17, 2022 ["Second Supplemental Reynar Affidavit"], para 4

³ Ibid at para. 3 and Exhibit A

- b. Posting a link to the order on the front page banner of the City of Windsor Website on February 12, 2022,⁴ and on its Twitter account on February 14th, 15th, and 16th;⁵
- c. Issuing a press release on February 16, 2022 with the time and date of this motion to continue;⁶
- d. Posting twelve large-format copies of the February 11 Order measuring eight feet wide by two feet tall at various strategic locations along Huron Church Street;⁷ and
- e. Printing and providing 500 paper copies of the February 11 Order to the Police on February 14, 2022.⁸

Status of the blockade from February 11 to Date

10. On February 11, Windsor Police issued a news update to protesters to make them aware that blocking the streets at and near the bridge constitutes public mischief and that anyone blocking streets or assisting others in doing so may be committing a criminal offence and be subject to arrest.⁹
11. Even after the issuance of the Order the evening of February 11, over 500 protesters continued to obstruct the Ambassador Bridge on both Huron Church Rd. and Wyandotte St (the “Protest”) during the evening.¹⁰ In fact, the number of protesters increased over the course of the evening, after the Order was issued and effective. Provincial Offences officers issued 10 by-law infraction tickets on the 11th.¹¹
12. Videos of the protest on February 11 depicted defiant protesters expressing their intent to continue their blockade, despite the Order.¹²

⁴ Second Supplemental Reynar Affidavit, para 8.

⁵ Second Supplemental Reynar Affidavit, para 9; analytics of number of people reached and engagements with twitter posts are provided in Exhibit D to the Second Supplemental Reynar Affidavit. For example, the February 14th Twitter post reached over 30,000 people and received 1,829 engagements.

⁶ Second Supplemental Reynar Affidavit, para 5

⁷ Second Supplemental Reynar Affidavit, para 10

⁸ Second Supplemental Reynar Affidavit, para 11

⁹ Further Supplemental Affidavit of Jason Bellaire sworn February 17, 2022, paras 3-4 [Bellaire Affidavit]

¹⁰ Bellaire Affidavit, paras 8-10.

¹¹ Bellaire Affidavit, para 11.

¹² Affidavit of Cheryl McKinnon sworn February 17, 2020, paras 4-5 [McKinnon Affidavit].

13. Protesters remained at the Protest on Saturday morning, February 12. That morning, Windsor Police, supported by their policing partners, moved to direct protesters away from the primary entrance to the Bridge at the North end of Huron Church Road. However, rather than dispersing, more individuals were observed to arrive on scene. Police operations were paused, and Police set up concrete barriers on Huron Church Road.¹³
14. Protester numbers swelled to between approximately 600 and 800 individuals by Saturday evening, with the majority of protesters located at the intersection of Huron Church Rd. and Tecumseh Road West. Vehicles supporting the protest filled parking lots in plazas along Tecumseh Road West. Varying numbers of protesters and vehicles were also observed at the intersection of Huron Church Road at College Avenue and at the Secondary entrance to the Bridge. Social media discussions suggested that the growing number of protesters might be further reinforced by groups from elsewhere in Ontario.¹⁴
15. Provincial Offence Officers, operating under instructions from the Windsor Police, issued a further 28 tickets for bylaw infractions on the 12th. At least 7 vehicles were towed from the area.¹⁵
16. On Sunday, February 13, protesters and vehicles remained in the area, and Police once again gathered to disperse the protesters blocking the Bridge. While a number of protesters and vehicles departed the Protest voluntarily, others required Police intervention. Police made over 40 arrests over the course of the day,¹⁶ and continued to engage with protesters to clear them from private property in the area.¹⁷
17. Throughout this process, Windsor Police's primary goal was to effect a peaceful resolution and preserve public safety.¹⁸

¹³ Bellaire Affidavit, para 15.

¹⁴ Bellaire Affidavit, paras 18-19, 21, 23.

¹⁵ Bellaire Affidavit, para 22.

¹⁶ Bellaire Affidavit, para 30.

¹⁷ Bellaire Affidavit, paras 27-28.

¹⁸ Bellaire Affidavit, para 43.

18. Since the beginning of the Protest, Police have:

- Made 44 arrests
- Laid a total of 86 charges, including 43 charges for breach of a court order
- Seized and towed at least 18 vehicles.¹⁹

19. Most of those who were arrested have been released, with one person remaining in custody as of Monday, February 14.²⁰

20. Police announced that the Bridge was open to traffic at 12:22 AM on Monday, February 14.²¹

21. As discussed further, below, there is a risk that the protesters may return. As a result, Police have maintained an elevated police presence in the area, setting up traffic controls on roads surrounding the Bridge.²² This has continued to impact residents.²³

22. The Protest and the present need to protect the Ambassador Bridge from further blockade has significantly impacted the City. As of 6:00 PM on February 17, 2022, Police continue to maintain a presence in the area. Various physical and human resources to control traffic are still in place.²⁴

Risk the protests will return to blockade the Bridge

23. There is an ongoing risk that the protesters will return and that blockades could resume.

24. Ontario's State of Emergency continues, and Canada's recent invocation of the *Emergencies Act*, recognizes the ongoing risk presented by blockades like the Protest in Windsor and nationally. The Federal Order in Council specifically references:

¹⁹ Bellaire Affidavit, para 40.

²⁰ Bellaire Affidavit, para 41.

²¹ Bellaire Affidavit, para 35.

²² Bellaire Affidavit, paras 36-39

²³ Affidavit of Fabio Costante, sworn February 17, 2022, paras 13-14 [Costante Affidavit]

²⁴ Bellaire affidavit, para. 54

the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada and the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada.²⁵

25. Police monitoring of social media, both during and after the protest, demonstrates a risk that protesters may return. Social media discussions during the Protest included discussions encouraging others to join the Protest when it was ongoing and reorganizing the protest, including at the Detroit-Windsor Tunnel after Police cleared the bridge.²⁶

26. Before it ceased to be public, posts to a Facebook page titled “WINDSOR SLOWDOWN to Support the Ottawa Convoy” on February 13 claimed that “TODAY is NOT a “SET BACK” TODAY is the BEGINNING of a “REGROUP”” and that “the war is far from over”.²⁷

27. On Wednesday, February 16, Police intercepted a convoy of trucks from Ottawa that were suspected to be moving towards Windsor.²⁸

28. Police are aware of a poster advertising for protesters to regroup on Saturday, February 19, 2022 in Windsor.²⁹

Continued Harm to Windsor residents and businesses

29. Residents and businesses in Ward 2, in the City’s West End, have been particularly impacted by the disruption caused by the Protest, which occurred in the heart of the Ward. This is a largely working-class district whose residents have endured not only the nuisances and business disruptions caused by the protest but also traffic and public transit disruptions that isolated them

²⁵ <https://orders-in-council.canada.ca/attachment.php?attach=41560&lang=en>

²⁶ Bellaire Affidavit, paras 44-50.

²⁷ McKinnon Affidavit, para 9.

²⁸ Bellaire Affidavit, para 50.

²⁹ Ibid at para. 53 and Exhibit F

from the rest of the City, disrupting their daily lives. The impacts on businesses, traffic and public transit continue as police work to safeguard access to the Bridge.³⁰

III. ISSUES

30. The issues for this Court to decide are:

- a. Should an extension of the February 11, 2022 Order be granted under section 440 of the *Municipal Act, 2001*?
- b. Alternatively, should an extension of the February 11, 2022 Order be granted under Rule 40.02(3) of the *Rules of Civil Procedure* and section 101 of the *Courts of Justice Act*?

IV. THE LAW

Statutory Injunction Under Section 440 of the Municipal Act, 2001

31. A municipality's power to seek an injunction to restrain contravention of a municipal by-law is founded in section 440 of the *Municipal Act, 2001*³¹ which provides:

Power to restrain

440 If any by-law of a municipality or by-law of a local board of a municipality under this or any other Act is contravened, in addition to any other remedy and to any penalty imposed by the by-law, the contravention may be restrained by application at the instance of a taxpayer or the municipality or local board

32. An injunction to enforce a by-law under section 440 of the *Municipal Act, 2001* may be permanent.³²

³⁰ Costante Affidavit, at paras 5-11, 14.

³¹ [S.O. 2001, c. 25](#).

³² [Newcastle Recycling Ltd. v. Clarington \(Municipality\)](#), 2005 CanLII 46384 (ON CA) ["Newcastle"] at para. 32; see also [The Township of Amaranth v. Ramdas](#), 2020 ONSC 2428 at para. 55.

33. For a statutory injunction to be granted, the applicant must establish on a balance of probabilities a "clear breach" of an enactment.³³ Where a clear breach has been established, courts will refuse the application only in exceptional circumstances.³⁴

34. Many of the considerations that apply to common law or equitable injunctions are not applicable in the context of a statutory injunction. These differences include:

- a. The court's discretion is more fettered. The factors considered by a court when considering equitable relief will have a more limited application;
- b. An applicant will not have to prove that damages are inadequate or that irreparable harm will result if the injunction is refused;
- c. Proof of damages or proof of harm to the public is not an element of the legal test;
- d. There is no need for other enforcement remedies to have been pursued;
- e. The court retains a discretion as to whether to grant injunctive relief. Hardship from the imposition and enforcement of an injunction will generally not outweigh the public interest in having the law obeyed. However, an injunction will not issue where it would be of questionable utility or inequitable; and
- f. It remains more difficult to obtain a mandatory injunction.³⁵

35. In seeking a statutory injunction, a municipality is also not required to prove actual damages suffered³⁶ or to present "compelling evidence" that an injunction is warranted.³⁷

³³ [Her Majesty the Queen in Right of Ontario v. Adamson Barbecue Limited](#), 2020 ONSC 767 (Ont. S.C.J.) ["*Adamson Barbecue*"] at para. 16.

³⁴ [Newcastle](#), at para. 32.

³⁵ [Retirement Homes Regulatory Authority v. In Touch Retirement Living for Vegetarians/Vegans Inc.](#), 2019 ONSC 3401 (Ont. S.C.J.), ["*Retirement Homes*"] at para. 47; see also [Adamson Barbecue](#) at para. 20.

³⁶ [Adamson Barbecue](#) at para. 21, citing [College of Opticians \(British Columbia\) v. Coastal Contacts Inc.](#), 2009 BCCA 459, 98 B.C.L.R. (4th) 53 (B.C. C.A.), at paras. 28 and 30.

³⁷ [Newcastle](#), at para. 32.

36. The requirements of irreparable harm and the balance of convenience that animate the test for an equitable injunction have been held not to apply to statutory injunctions.³⁸

37. In the February 14, 2022 Reasons provided in this case, this Court accepted that absent a constitutional challenge to the by-laws in question, they are presumptively valid and remain in force and in effect. A consideration of the Protesters' Charter rights is therefore not required.³⁹ Nevertheless, this Court found that:

While the Protesters involved in the blockade of the Bridge have every right to voice their criticism of government public health restrictions and/or vaccine mandates, they do not have the legal right, under the Charter or otherwise, to unilaterally block and impede access to the Bridge.⁴⁰

Equitable Injunction

38. Distinct from a statutory injunction, an equitable injunction is provided for under section 101 of the *Courts of Justice Act*⁴¹ and Rule 40 of the *Rules of Civil Procedure*.⁴² Rule 40.02(2) provides that where an injunction is granted without notice, a motion to extend “may be made only on notice to every party affected by the order” unless the judge is satisfied that there are “exceptional circumstances”⁴³. Rule 40.02(3) provides that an extension may be granted without notice for an additional ten days.⁴⁴

39. Where an extension of an equitable injunction is sought, Courts will apply the *RJR-MacDonald* test for interlocutory injunctions.⁴⁵

³⁸ [Adamson Barbecue](#) at para. 17, citing [Retirement Homes](#) at para. 48; and [Gavin Downing v. Agri-Cultural Renewal Co-operative Inc. O/A Glencolton Farms \("ARC"\) et al](#), 2018 ONSC 128 (Ont. S.C.J.), at para. 110

³⁹ February 14, 2022 Reasons at para. 31.

⁴⁰ February 14, 2022 Reasons, paras. 53

⁴¹ [Courts of Justice Act](#), R.S.O. 1990, c. C.43, s. 101.

⁴² [Rules of Civil Procedure](#), R.R.O. 1990, Reg. 194, r. 40.

⁴³ [Rules of Civil Procedure](#), R.R.O. 1990, Reg. 194, r. 40.02(2).

⁴⁴ [Rules of Civil Procedure](#), R.R.O. 1990, Reg. 194, r. 40.02(3).

⁴⁵ [Canadian National Railway Company v. Doe](#), 2020 ONSC 4152 (CanLII) [*“CN Rail v. Doe 2”*] at para. 16.

40. Where there was a “strong likelihood” that protesters would erect a blockade, Justice Myers was satisfied to order the continuation of an equitable injunction.⁴⁶

Submissions of the City re Continuation of the Injunction

41. Whether framed as a “clear breach on the balance of probabilities” under the statutory injunction test or as a “strong *prima facie* case” under the modified *RJR-MacDonald* test, the issue before this Court is whether the City can prove a breach of its By-Laws.

42. In the February 14, 2022 Reasons provided in this case, this Court found, *inter alia*:

- a. that the protests and the blockade have had a significant negative impact on the residents and businesses in the immediate geographic area and numerous by-laws of the City have been breached; [emphasis added] and
- b. that the protests and the blockade have had a significant negative impact on the automotive sector in a geographic range that is far beyond the Windsor area.⁴⁷

43. As well, in the February 14, 2022 Reasons, this Court accepted, based on the evidence before the Court at that time, the moving parties satisfied the *RJR-MacDonald* test for an injunction under s. 101 of the *Courts of Justice Act*, which was a broader test than the test for a statutory injunction under the *Municipal Act, 2001*.⁴⁸ This Court accepted that, at that time, the moving parties had established the criteria for an injunction both on the modified test applied for statutory injunctions and the traditional test for a common law injunction to prohibit the Protesters from establishing a blockade or in any way impeding access to the Ambassador Bridge.⁴⁹

⁴⁶ [CN Rail v. Doe 2](#), at paras. 2, 16.

⁴⁷ February 14, 2022 Reasons at para. 31.

⁴⁸ February 14, 2022 Reasons at para. 36.

⁴⁹ February 14, 2022 Reasons at para. 62.

44. The City submits that there is both a “clear breach on the balance of probabilities” under the statutory injunction test and a “strong prima facie case” under the equitable injunction test.
45. The Protestors are breaching municipal by-laws, including but not limited to:
- a. By-Law 9148 (Traffic By-Law),
 - b. By-Law 233-2001 (Vehicle Idling By-Law),
 - c. By-Law 25-2010 (Protection of Highways By-Law),
 - d. By-Law 6716 (Noise By-Law); and
 - e. By-Law 9023 (Parking By-Law).
46. Multiple tickets for City by-law infractions have been issued to Protestors since the February 11 Order has been in effect.
47. The events since Friday, February 11, 2022, have also shown the Protestors’ defiance of this Court’s order, resulting in numerous arrests and charges.
48. The Protestors’ activity threatens to interfere with the rights of the public to access the Ambassador Bridge.
49. In the February 14, 2022 Reasons, this Court stated: “Simply put, freedom of expression does not extend to the point that the Protesters’ activities can result in the denial of fundamental rights and freedoms to all those detrimentally affected by the blockade.”⁵⁰
50. The City submits that the Protesters’ activities continue to threaten the fundamental rights and freedoms of all who have been detrimentally affected by the blockade. It is clear that there is a strong likelihood that the Protesters will blockade the Ambassador Bridge again if the Order is not extended.

⁵⁰ February 14, 2022 Reasons, para 52.

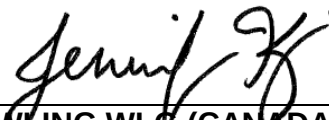
IV. RELIEF SOUGHT

51. For the foregoing reasons, the City requests that:

- a. the February 11, 2022 Order be extended under section 440 of the *Municipal Act, 2001*, on the varied terms set out in the draft Order submitted;
- b. this Court exercise its discretion to accept the Notice of Application as the underlying proceeding in this matter or, in the alternative, consolidate the City's application with the present proceeding, and amend the title of proceedings accordingly.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 17th DAY OF FEBRUARY, 2022

February 17, 2022



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Lawyers for the intervener the Corporation
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SCHEDULE "A"

Court File No. CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

THE CORPORATION OF THE CITY OF WINDSOR

Applicant

and

PERSONS UNKNOWN

Respondents

and

ATTORNEY GENERAL OF ONTARIO and
AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Intervening Parties

THE DEMOCRACY FUND

Intervenor as Friend of the Court

NOTICE OF APPLICATION

APPLICATION UNDER rules 14.05 and 38 of the *Rules of Civil Procedure* (Ontario), under section 440 of the *Municipal Act, 2001* and under the inherent jurisdiction of this Court.

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- ☐ In writing
- ☐ In person
- ☐ By telephone conference
- ☒ By video conference

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at the following location: the Court in Windsor by videoconference on Friday, February 18, 2022 at 10:00 am at the following link, or as soon after that time as the application may be heard:

<https://ca01web.zoom.us/j/68810320796?pwd=VmoxNzE2UWRub2krM2M2em55Ym1pQT09>

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the Applicant's lawyer or, where the Applicant does not have a lawyer, serve it on the Applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date _____ Issued by _____
Local Registrar

Address of Superior Court of Justice
court office: 245 Windsor Avenue
Windsor, ON N9A 1J2

TO **Persons Unknown**

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APPLICATION

THE APPLICANT, the Corporation of the City of Windsor (the “City”) will make an application to the court for:

1. An Order for an interlocutory injunction restraining and enjoining the respondents from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points;
2. If necessary, an Order dispensing, abridging the time for and validating the service of this Notice of Application and the materials filed in support;
3. If opposed, costs of this application on a substantial indemnity basis; and
4. Such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE APPLICATION ARE:

1. By Order dated February 11, 2022, Justice Morawetz granted an interim interlocutory injunction restraining and enjoining the respondents from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points for ten (10) days (the “**February 11 Order**”). The February 11 Order was granted pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 440 of the *Municipal Act, 2001*.
2. The applicant, the City, is seeking the continuation of the February 11 Order under section 440 of the *Municipal Act, 2001*.

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3. The respondents are persons unknown, including the organizers and participants of the protest, which obstructed the intersection of Huron Church Road and College Avenue in Windsor, Ontario, commencing on February 7, 2022, which impeded or blocked access to the Ambassador Bridge.
4. The respondents have contravened multiple City by-laws since February 7, 2022, and continued to violate City by-laws after notice of the February 11 Order was given. The contravened City by-laws include, but are not limited to: By-Law 9148 (Traffic By-Law), By-Law 233-2001 (Vehicle Idling By-Law), By-Law 25-2010 (Protection of Highways By-Law), By-Law 6716 (Noise By-Law); and By-Law 9023 (Parking By-Law).
5. Police remain present in the area of the protest to preserve access to the Ambassador Bridge.
6. The respondents are continuing to engage in efforts to return to impede access to the Ambassador Bridge.
7. Section 440 of the *Municipal Act, 2001*.
8. Rules 1.04, 2.03, 3.02, 14.05, 38, and 39 of the *Rules of Civil Procedure*.
9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the application:

1. The Affidavits sworn and to be sworn in support of the Motion; and

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2. Such further and other evidence as counsel may advise and this Honourable Court may permit.

Dated: February 17, 2022

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THE CORPORATION OF THE
CITY OF WINDSOR
Applicant

-and-

PERSONS UNKNOWN
Respondent

-and-

ATTORNEY GENERAL OF ONTARIO et
al.
Intervenor

Court File No. CV-22-00030791-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
WINDSOR**

NOTICE OF APPLICATION

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AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

v.

Court File No.: CV-22-00030791-1000
JIM BOAK et al

ONTARIO
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PROCEEDING COMMENCED AT
WINDSOR

**FACTUM OF THE
INTERVENOR, THE
CORPORATION OF THE
CITY OF WINDSOR**

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